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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE MEDINA,

Defendant.

CR No.: 3-08-70174 JCS

**STIPULATION AND [PROPOSED]
ORDER EXCLUDING TIME**

On April 14, 2008, the parties in this case appeared before the Court for a preliminary hearing. At that time, the parties requested and the Court agreed to continue the hearing to April 25, 2008. The parties further stipulated that pursuant to Federal Rule of Criminal Procedure (FRCP) 5.1(d), the time limits set forth in FRCP 5.1(c) be excluded from April 14, 2008, to and including April 25, 2008. The parties agree that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension. Defendant also agrees to exclude for this period of time any time limits applicable under Title 18, United States Code, Section 3161. This continuance is the reasonable time necessary for continuity of

1 defense counsel and effective preparation of defense counsel, taking into account the exercise of
 2 due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice
 3 served by granting such a continuance outweigh the best interests of the public and the defendant
 4 in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

5 SO STIPULATED:

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 8 DATED: 4/15/08

JOSEPH P. RUSSONIELLO
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OWEN P. MARTIKAN
 Assistant United States Attorney

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 10 DATED: 4/14/08

RONALD C. TYLER
 Attorney for Jose Medina

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 13 **[PROPOSED] ORDER**

14 For the reasons stated above, the Court finds that an exclusion of time from April 14, 2008,
 15 to and including April 25, 2008, is warranted and that the ends of justice served by the
 16 continuance outweigh the best interests of the public and the defendant in a speedy trial. See 18
 17 U.S.C. §3161 (h)(8)(A); FRCP 5.1(d). The failure to grant the requested continuance would
 18 deny Mr. Medina continuity of counsel and would deny defense counsel the reasonable time
 19 necessary for effective preparation, taking into account the exercise of due diligence, and would
 20 result in a miscarriage of justice. See 18 U.S.C. §3161(h)(8)(B)(iv).

21 SO ORDERED.

22 DATED: _____

HON. JAMES LARSON
 United States Magistrate Judge